

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:05CR231

UNITED STATES OF AMERICA)

)

)

VS.

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ORDER

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ALBERT S. LYNCH

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THIS MATTER is before the Court on Defendant's *pro se* motion for the appointment of new counsel to pursue his appeal.

A previous disagreement with his attorney was resolved in a hearing before the Magistrate Judge and the Defendant withdrew his motion to appoint new counsel. **See Oral Order of January 10, 2006.** The Defendant has now raised issues concerning his sentence and places blame on his attorney for the term of imprisonment he received. Defendant filed a *pro se* notice of appeal on July 3, 2006. Because the Defendant has raised these issues regarding present counsel, the Court will allow Defendant's motion and request the Fourth Circuit to appoint new counsel to prosecute the Defendant's appeal.

IT IS, THEREFORE, ORDERED that the Defendant's motion is **ALLOWED**, and Jack W. Stewart is hereby relieved of further responsibility for the representation of the Defendant herein.

The appointment of appellate counsel is respectfully referred to the Fourth Circuit Court of Appeals.

Signed: July 6, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

